IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.3319 of 2006

Shri Pandu Sonba Lamkane & ors. Petitioners

Vs.

Shri Ramdas Gowardhan Chavan & ors. Respondents

Mr.R.V.More for petitioners.

Mr.A.S.Desai for Resp.Nos.1 and 2.

Ms.V.Mhaispurkar, AGP for Resp.Nos.3 to 5.

CORAM: B.H.MARLAPALLE,J.

July 06, 2006.

P.C.

. The petitioners are elected as members of the Managing Committee of Shri Vithal Sahakari Sakhar Karkhana Ltd. on 31/7/2005. The said election has been challenged in Election Petition No.15 of 2005 and it is pending before the Additional Commissioner, Pune Division at Pune (Mr. Ramesh Deokar). The petitioners approached the Divisional Commissioner and filed an application for transfer of Election Petition NO.15 of 2005 from the file of Mr. Ramesh

Deokar to any other Additional Commissioner and by the impugned order dated 16/3/2006 the said application came to be rejected.

. The transfer application was made primarily on the ground that Mr.Deokar was some time back working as the Chief Executive Officer of Zilla Parishad at Solapur and Mr.Pandurang Yeshwant Patil was elected as Member of the Zilla Parishad, Solapur and was also the President of the Agriculture and Animal Husbandry Committee. Thus Mr.Deokar is a friend of Mr. Pandurang Yeshwant Patil and, therefore, Election Petition No.15 of 2005 is not likely to be decided on merits.

. The Divisional Commissioner noted that Mr.Pandurang Patil was not impleaded as a party in the application and, therefore, it was not possible to verify about the alleged friendliness of Mr.Patil with Mr.Deokar. The apprehension arising out of the association of Mr.Deokar in his official capacity as Chief Executive Officer of Zilla Parishad, Solapur with Mr.Patil would not be a ground to transfer the election petition. In addition there was nothing on record to show that the alleged friendliness had

influenced Mr.Deokar to grant favours to Mr.Patil at any time. The view taken by the Divisional Commissioner cannot be termed as illegal or perverse and, therefore, no interference is called for in the impugned order rejecting the transfer application.

. The petition is rejected summarily.

. Trial of the election petition is expedited.

(B.H.MARLAPALLE,J.)